

Message

From: Logan, Paul [Logan.Paul@epa.gov]
Sent: 8/31/2020 4:48:16 PM
To: Joffe, Brian [Joffe.Brian@epa.gov]
CC: Volk, Everett [volk.everett@epa.gov]
Subject: RE: EPA R8 - Oglala Sioux Tribe Virtual Presentation - Meeting 1; Dewey Burdock 2nd Draft Permits
Attachments: RE: EPA R8 - Oglala Sioux Tribe Virtual Presentation - Meeting 1; Dewey Burdock 2nd Draft Permits

Thanks Brian. Let's discuss further when you have time. Attached is an email from Friday that I sent to Darcy that has further detail.

Ex. 5 AC/DP

Let's discuss further when you have time, or send me an email if you'd prefer.

Paul Logan

Senior Assistant Regional Counsel | EPA Region 8, Office of Regional Counsel
303.312.6854 | logan.paul@epa.gov

From: Joffe, Brian <Joffe.Brian@epa.gov>
Sent: Monday, August 31, 2020 9:50 AM
To: Logan, Paul <Logan.Paul@epa.gov>
Cc: Volk, Everett <volk.everett@epa.gov>
Subject: Re: EPA R8 - Oglala Sioux Tribe Virtual Presentation - Meeting 1; Dewey Burdock 2nd Draft Permits

Ex. 5 AC/DP

Thanks.
Brian

Sent from my iPhone

On Aug 28, 2020, at 4:31 PM, Robinson, Valois <Robinson.Valois@epa.gov> wrote:

I talked with my BLM contact right after the call. She is going to contact Reno Red Cloud on Monday and ask to join in on the tech meetings. She will alert her manager and attorneys about the Sept 11 meeting to see who might attend that.

As for the Tribal Water Alliance request for consultation, I talked with Paul about that a while back when Mr. Red Cloud first made the request. Because they are not a recognized tribe, it wouldn't be government-to-government consultation. I let Mr. Red Cloud know that and said I am available for the meeting. He is fine with that – or at least he was back when we first started talking about it. It would be more of a tech meeting.

Valois

Valois Robinson
EPA Region 8
Underground Injection Control Program
MailCode: 8WD-SDU
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6276
robinson.valois@epa.gov

From: O'Connor, Darcy <oconnor.darcy@epa.gov>
Sent: Friday, August 28, 2020 3:40 PM
To: Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>
Cc: Minter, Douglas <Minter.Douglas@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>
Subject: RE: EPA R8 - Oglala Sioux Tribe Virtual Presentation - Meeting 1; Dewey Burdock 2nd Draft Permits

Thanks everyone for your participation today. Here are my thoughts on next steps and a couple of questions:

Valois – you'll reach out to Reno on Monday morning on potential dates/times for a technical conversation. It would be great if you could use one of the dates/times that had been set aside for the EPA/tribal council meetings, which we heard were not needed for the council. As part of this discussion, could you (or Rick, or Douglas) talk through the December comments, answer questions that may have been raised and indicate if changes are being considered based on those comments? Legal will let us know how far we can go on this – it was the clear that the tribe wants to know it's being heard and I'd like to acknowledge that in the technical discussions.

Valois – sounded like you are reaching out to your contact at BLM. Please let me know if you're not hearing back from her and we need to elevate at BLM. Sounds like we need an answer as soon as we can on whether they will consult to figure out if we can save the 9/11 date. Paul, understanding and agreeing with your comment below – if we don't have a firm answer from the BLM I don't believe OST will consult with us on the 11th.

From Reno's comments, It seems like the focus was on having BLM there. The letter mentioned invitation to other tribes.

Ex. 5 AC/DP

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Also, I'm not aware of a request to consult from the Great Plains Water Alliance. What do we need to do with that comment today? Does Reno speak for the Alliance and his statement is a request for consultation?

Thanks everyone!

D

From: Varilek, Kimberly <Varilek.Kimberly@epa.gov>

Sent: Friday, August 28, 2020 3:12 PM

To: Logan, Paul <Logan.Paul@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>

Cc: Minter, Douglas <Minter.Douglas@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>

Subject: RE: EPA R8 - Oglala Sioux Tribe Virtual Presentation - Meeting 1; Dewey Burdock 2nd Draft Permits

I agree. Thanks Paul.

From: Logan, Paul <Logan.Paul@epa.gov>

Sent: Friday, August 28, 2020 2:58 PM

To: Varilek, Kimberly <Varilek.Kimberly@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>

Cc: Minter, Douglas <Minter.Douglas@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>

Subject: RE: EPA R8 - Oglala Sioux Tribe Virtual Presentation - Meeting 1; Dewey Burdock 2nd Draft Permits

Ex. 5 AC/DP

Paul Logan

Senior Assistant Regional Counsel | EPA Region 8, Office of Regional Counsel
303.312.6854 | logan.paul@epa.gov

-----Original Appointment-----

From: Varilek, Kimberly <Varilek.Kimberly@epa.gov>

Sent: Tuesday, August 18, 2020 12:12 PM

To: Varilek, Kimberly; O'Connor, Darcy; Robinson, Valois; Jennifer Spotted Bear

Cc: Minter, Douglas; Logan, Paul; Chin, Lucita; Boydston, Michael; Bahrman, Sarah; Perkins, Erin; Matsumoto, Kimi; Volk, Everett; Joffe, Brian

Subject: EPA R8 - Oglala Sioux Tribe Virtual Presentation - Meeting 1; Dewey Burdock 2nd Draft Permits

When: Friday, August 28, 2020 1:00 PM-4:00 PM (UTC-07:00) Mountain Time (US & Canada).

Where: Zoom Link Included in Meeting Invite

****Update 8/28/20:** I'm including the updated draft agenda and the Zoom link from Secretary Spotted Bear. This meeting is from 1:00p – 4:00p and I made this change on this invite as well.

Topic: Oglala Sioux Tribe Council/EPA

Time: Aug 28, 2020 10:00 AM Mountain Time (US and Canada)

Join Zoom Meeting

Ex. 6 Personal Privacy (PP)

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**

Good afternoon Secretary Spotted Bear – I'm sharing this meeting invitation as a placeholder, and we look forward to receiving the Zoom link for this Friday's discussion. Of not, EPA may propose some slight additions to the Draft Agenda below to reflect any specific subpoints from EPA, during our presentation.

Let me know if you have any questions. Thank you! – Kim V.

Kimberly D. Varilek
Tribal Affairs Branch Chief
EPA Region 8 - Office of Regional Administrator
1595 Wynkoop St.
Denver, CO 80202
(303) 312-6264

This meeting will discuss the following:

1:30pm **Introductions:**
1:40pm **EPA Presentation - Describe Policies and Project and Process**
 [Propose Background Discussion]

- Describe the Project
- Describe EPA Permitting Authority
- EPA approach to Cultural Resources and NHPA

- EPA approach to Water Resource Protections
- EPA approach to Environmental Justice Issues
- EPA's Functional Equivalence Program
- Covid-19 related precautions

3:00pm Technical Meeting Recommendations

- Participants/Expertise Required
- Time and Place
- Subjects for Technical Discussion

3:50pm Identify Next Steps

- Do we need to move forward with the Follow-up Virtual Meeting (9/2 or 9/3) – *tbd – will propose meeting time options*
- In-person Consultation in South Dakota (Friday, 9/11 – 10:00a – 2/3pm)